

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
 Plaintiff,)
)
 v.) CIV-18-589-D
)
DARCIE E'LAINA HENDREN, a/k/a)
DARCIE HENDREN, *et al.*)
 Defendant(s).)

FORECLOSURE JUDGMENT

Before the Court is the government's Motion for Default Judgment [Doc. No. 32]. The Clerk's Entry of Default [Doc. No. 38] was filed on January 29, 2019. After examining the pleadings, the Court finds:

1. Plaintiff, United States, served all defendants more than twenty-one (21) days prior to this date.

2. Defendants Darcie E'Laine Hendren, a/k/a Darcie Hendren, Ty Darrell Hendren, Mortgage Electronic Registration Systems Inc, and Velocity Investments, LLC, are in default.

3. The allegations of the Complaint are true, and there is due and owing to Plaintiff from Defendants Darcie E'Laine Hendren, a/k/a Darcie Hendren and Ty Darrell Hendren on the promissory note and mortgage:

| | |
|---|--------------------|
| Principal..... | \$ 209,737.51 |
| Advances due in the amount of | \$1,153.17 |
| Accrued interest as of April 3, 2018..... | <u>\$ 1,180.85</u> |
| Amount due as of April 3, 2018 | \$ 212,071.53 |

plus accruing interest on the principal at the rate of \$8.67 per diem from April 3, 2018, to the date of judgment.

4. The Plaintiff's mortgage is a valid lien on the following real property:

The Southeast Quarter (SE/4) of the Southwest Quarter (SW/4) of Section Four (4), Township Nineteen (19) North, Range Two (2) East of the I.M., Payne County, State of Oklahoma, according to the U.S. Government Survey thereof, LESS AND EXCEPT:

A Tract of land in the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4) of Section Four (4), Township Nineteen (19) North, Range Two (2) East of the I.M., beginning at the SE/corner of the SE/4 of the SW/4 of said Section 4; thence North a distance of 730.83 feet; thence West a distance of 582.35 feet; thence South a distance of 730.83 feet; thence East a distance of 582.35 feet to the Point of Beginning.

AND

A tract of land in the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4) of Section Four (4), Township Nineteen (19) North, Range Two (2) East of the I.M., beginning at a point on the East line of said SE/4 of the SW/4 a distance of 730.83 feet North of the Southeast Corner of said SE/4 of the SW/4; thence North along said East line of the SE/4 of the SW/4 a distance of 17.18 feet; thence West 582.35 feet parallel to the South line of said SE/4 of the SW/4; thence South parallel to the East line of said SE/4 of the SW/4 a distance of 17.18 feet; thence East parallel to the South line of said SE/4 of the SW/4 a distance of 582.35 feet to the Point of Beginning.

AND

The East Half (E/2) of the North Half (N/2) of the Southwest Quarter (SW/4) of the Southwest Quarter (SW/4) of Section Four (4), Township Nineteen (19) North, Range Two (2) East of the Indian Meridian, Payne County, State of Oklahoma, according to the U.S. Government Survey thereof.

5. The right, title or interest of all Defendants in the stated real property described above is junior and inferior to the first lien of the Plaintiff, except for the prior and superior mortgage and lien of Defendant, Envoy Mortgage, Ltd., named herein as “Envoy Mortgage,” who is the successor in interest to Exchange Bank & Trust Company and Mortgage Electronic Registration Systems, Inc. (“**Envoy**”); and for unpaid real property taxes of Payne County, and/or special assessments given priority by law, if any. The rights of any junior lien claimants to any excess funds remaining after sale and distribution shall be determined upon further hearing and after notice to all parties.

6. Plaintiff's note and mortgage are in default and the real property described above should be foreclosed, subject to the prior and superior mortgage and lien of Envoy.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED:

Plaintiff, United States of America has an *in rem* judgment of foreclosure in the sums below:

| | |
|---|--------------------|
| Principal..... | \$ 209,737.51 |
| Advances due in the amount of | \$1,153.17 |
| Accrued interest as of April 3, 2018..... | <u>\$ 1,180.85</u> |
| Amount due as of April 3, 2018 | \$ 212,071.53 |

plus accruing interest on the principal at the rate of \$8.67 per diem from April 3, 2018, to the date of judgment and thereafter post-judgment interest will accrue on the total sum of this judgment at the rate provided by 28 U.S.C. ' 1961, until paid.

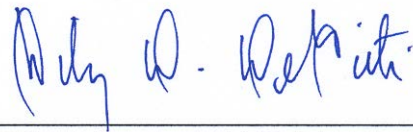
A special execution and order of sale shall issue directing the United States Marshal to levy upon, advertise and sell the real property described above **without appraisal**, free of any right, title or interest of all Defendants, except unpaid real property taxes of

Payne County, and/or special assessments given priority by law, if any, and except for the prior and superior mortgage and lien of Envoy, and the proceeds of the sale shall be paid as follows:

- a. The costs of the sale, including unpaid real property taxes of Payne County, and/or special assessments given priority by law, if any;
- b. The foreclosure judgment of the United States of America as herein set out; and,
- c. The remainder into the Registry of this Court to await further order of the Court concerning the priority of the junior lienholders.

That upon confirmation of the United States Marshal's sale, all Defendants and all persons claiming by, through or under them, are barred, foreclosed and enjoined from asserting any right, title or interest in the real property described above, except for Envoy, who has a prior and superior mortgage and lien in the real property.

IT IS SO ORDERED this 1st day of February 2019.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE

APPROVED BY:

s/ Kay Sewell

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